

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN W. PADGETT,

Defendant.

No. 00-cr-40004-DRH

MEMORANDUM and ORDER

HERNDON, Chief Judge:

Pending before the Court is a letter from defendant which the Court construes as a motion for copies (Doc. 44). Specifically, defendant requests copies of his indictment, the judgment and his pre-sentence investigation report. Defendant maintains that he needs these documents for a new criminal case against him in the Southern District of Texas. Based on the following, the Court denies at this time the motion.

As to these documents, the Court will not provide those free of charge unless defendant can make a some further showing. Before providing copies free of charge, a district court may require the requester to show: (1) that he has exhausted *all* other means of access to his files (*i.e.*, through his trial and appellate counsel), (2) that he is financially unable to secure access to his court files (*i.e.*, through a showing similar to that required in 28 U.S.C. § 1915(a)(2) which includes a certified copy of the prisoner's trust account for the previous six-month period prior to filing), and (3)

that the documents requested are necessary for the preparation of some specific non-frivolous court action. *See United States v. Wilkinson*, 618 F.2d 1215, 1218-19 (7th Cir.1980); *Rush v. United States*, 559 F.2d 455, 459 (7th Cir.1977). These minimal requirements do not impose any substantial burden to financially unable prisoners who desire their records be sent to them at government expense

Here, defendant's motion clearly is insufficient as to the copies of documents. First, he has not shown that he has exhausted all other means of access to his files. Second, he has not demonstrated through sufficient evidence that he is financially unable to secure access to his files.

Accordingly, the Court **DENIES** at this time defendant's motion for copies (Doc. 44).

IT IS SO ORDERED.

Signed this 5th day of September, 2012.

David R. Herndon



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**Chief Judge
United States District Court**